

CERTIFICATE OF SERVICE

I, Michael E. Mauney, do hereby certify that a copy of the foregoing Response to Office Action in:

In Re Application: No. 10/698,205

For: Frank Forrest Humbles

Filed: 10-31-03

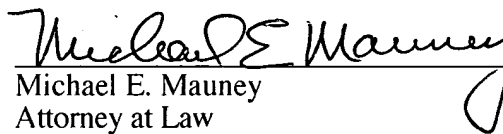
has this day been duly served upon:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Said service was made in the following manner:

- () By handing such copy to the aforementioned attorney, or by leaving said copy at the above mentioned attorney's office with a partner or employee of his office.
- (x) By depositing a copy of the aforementioned document(s) enclosed in a prepaid first class addressed envelope in the U. S. Mail.

This the 26 day of Sept., 2005.



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IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/698,205

Filing Date; 10-31-03

Applicant: Frank Forrest Humbles

Examiner: Mayo, Tara L.

For: SURGICAL ARM POSITIONING PAD

Art Unit: 3671

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This is written in response to an Office Action with a mailing date of August 1, 2005.

Claim Rejections 35 U.S.C. 112

Claims 2-6 and 10-12 were rejected under 35 U.S.C. for being indefinite. The Examiner objected to the term "easily" in Claim 2, reasoning that "easily" is not defined by the claim and the specification does not provide a standard for ascertaining the requisite degree and one of ordinary skill in the art would not reasonably apprise to the scope of the invention. Claim 3 was similarly rejected for the recitation of "easily" and "quickly" and Claim 10 is rejected for the recitation of "quickly."

Applicant notes that this language is used in the original claims in the application. No rejection was made in the first Office Action to this language, nor was any rejection made in the second, final, Office Action to this language. Apparently the Examiner understood this language in the first and second Office Actions and is now for the first time raising a 35 U.S.C. 112 indefiniteness rejection. Clarification is respectfully requested from the Examiner about why these claims were considered definite and acceptable in the first and second, final, Office Actions but are now rejected as indefinite. Moreover, Applicant traverses the conclusion of the Examiner.